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09/834,350	04/13/2001	George Adaniya	61650- 011 (ALPL-110)	2426	
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McDERMOTT WILL & EMERY 28 State Street			THANH,	THANH, LOAN H	
Boston, MA 02	2109-1775		ART UNIT PAPER NUMBER		
			3763		
			DATE MAILED: 03/12/2003	DATE MAILED: 03/12/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Offic Action Summary Offic Action Summary Examiner Loan H. Thanh 3763 ADANYA ET AL. Examiner Loan H. Thanh 3763 ADANYA ET AL. Pori of I r Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Leveralors of time may be available undors the provisions of 3 CFR 1 1360, in no event, however, may a reply be tilened in the consequence address Pori of I r Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Leveralors of time may be available undors the provisions of 3 CFR 1 1360, in no event, however, may a reply be tilened in the consequence of the may be available undors the major time of the communication of the major that the consequence is a set of the communication of the major that the communication of the communication of the major that the communication of the communication of the major that the communication of the major that the communication of the communicat				
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The MALLING DATE If this communication appears on the cover sheet with the correspondence address — Peril of r Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Estendance for term any be available under the provisions of 37 CR1 136(s). In no event, however, may a reply be timely filed allowed from the relating date of this communication. Estendance for term any be available under the provisions of 37 CR1 178(s). In no event, however, may a reply be timely filed allowed filed the state of the communication of the communication. If the Depth of the reply is specified above, the making date of any of the communication of the communication of the communication of the communication of the communication. Family to within the act or extended period for reply will, by stantsu, cause the application become ABANDORED (50 U.S.C § 133). Responsive to communication(s) filed on 26 December 2002. This action is FINAL. 2b) This action is finAl. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under £x parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-8.10.14-19.21.22 and 26-30 is/are pending in the application. 4a) Of the above claim(s) is and 11-16 is/are allowed. 6) Claim(s) 1-8.10.and 11-16 is/are allowed. 6) Claim(s) 1-8.10 and 11-16 is/are allowed. 6) Claim(s) 1-8.10 and 11-16 is/are allowed. 7) Claim(s) is/are objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is: a) approved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 10) The proposed drawing correction filed on is: a) approved by the Examiner. If approved corrected drawings are required in reply to this Office action. 11) Acknowledgment is made of a claim	Offic Action Summary	Examiner	Art Unit	
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Art Unit: 3763

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of species of figs. 4-6 in Paper No. 8 is acknowledged.

An action on the merits now follows.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the sidewalls decreasing monotonically must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

The specification describes the side walls (122) to decrease monotonically. Although it appears that the end walls (106) are the walls which decrease monotonically. See page 9, first paragraph.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-19,21-22,27,29-30 are rejected under 35 U.S.C. 102(b) as being anticipated by (Moden et al. (U.S. Patent No. 5,013,298).

Moden et al. disclose an implantable access device having a plate (26), at least two walls in the broadest interpretation. See fig. 1-4. The walls being any of the 4 walls. The valve assembly is considered to be the septum which is capable of performing the function as claimed. It is normally closed until it has been pierced by a filament.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 26,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moden et al. (U.S. Patent No. 5,013,298) in view of Fenton, Jr. (U.S. Patent No. 5,178,612).

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Moden et al. teach all the limitations of the claims except the material of the port being titanium, ceramic or steel. Moden et al. foes teach the housing to be made of plastic or metal. Fenton, Jr. et al. teach an implantable port in the analogous art. Fenton et al. teach the housing to be made of stainless steel or other surgical grade steel or biocompatible hard material, such as titanium, DuPont Delrin.TM. (acetal resin) or Teflon.TM. (polytetrafluoroethylene), Nylon, polyethylene thermoplastic, or mixtures thereof. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the material of the port as taught by Fenton, Jr. in order to provide biocompatible materials.

With respect to claim 26, Moden et al. does not teach at least one wing extending outward from the port adapted to receive a fastener. Fenton, Jr. discloses a wing with suture holes (40) in the analogous art of implantable ports. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the extended area beyond the port walls with suture holes as taught by Fenton, Jr. in order to provide securement of the implantable port to a desired surface.

Allowable Subject Matter

Claims 1-8,10,14-16 are allowed.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LoAn H. Thanh whose telephone number is (703) 305-0038. The examiner can normally be reached on Monday to alternating Fridays (7:00 am-4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on (703) 308-3552. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

LoAn H. Thanh Examiner Art Unit 3763

LT March 10, 2003